

April 13, 2004

David A. Wolfberg, A.I.A.
Wolfberg, Alvarez & Partners
1500 San Remo Avenue
Suite 300
Coral Gables, Fl 33146

RE: REQUEST FOR ADVISORY OPINION 04-69

Dear Mr. Wolfberg:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 7, 2004 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts between the firm's current work at the Seaport and serving on the team for Cruise Terminal Improvements.

In your request, you advised the Ethics Commission that the Seaport recently issued a Notice for Professional Consultants to provide architectural and engineering services related to Cruise Terminal Improvements at the Seaport. The scope of services provides that the required professional services for this project shall include but not be limited to the design and rehabilitation of existing cruise terminals 1, 2, 3, 4, 5, 6 7, 8, 9, and 12. The selected firm will also provide services related to terminals D and E. The County reserves the right to add other projects to this PSA.

The Notice to Professional Consultants provides that "(p) rime Consultants must identify whether they or any of their subconsultants, or members have participated in any way in the development of previous Miami-Dade Seaport Department, Cruise Terminal Improvements projects. In identifying themselves or any such subconsultants, or members, the Prime Consultant must identify the specific work that they the sub-consultant or member performed or work to be performed on previous Cruise Terminal Improvements projects as well as the work to be performed as a part of this solicitation."

Wolfberg, Alvarez & Partners is currently providing work to the Seaport as a subconsultant to Tetra-Tech/FosterWheeler on its P&O Ports contract. Wolfberg's scope of work under the P&O Ports contract is for miscellaneous port improvements including security upgrades at some cruise terminals. The other team members are Shaw Environmental and Infrastructure and William Berry and Associates.

Shaw Environmental is currently providing engineering services to CH2MHILL on a Cargo Yard Improvement contract. Two Shaw employees worked on the Seaport Redevelopment program in Program Management capacities. The work involved coordination with the cruise terminal architect.

The Ethics Commission found that Wolfberg Alvarez and the other team members do not have a conflict of interest in regard to the Cruise Terminal Improvement project. The scope of work of the team's current and prior work does not overlap with the scope of work for this contract.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

ROBERT MEYERS
Executive Director

cc: Luisa Millan Donovan